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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,971	07/28/2003	Isaac Dyck	85291-102 ADB	4085
23529	7590	03/31/2005	EXAMINER	
ADE & COMPANY 1700-360 MAIN STREET WINNIPEG, MB R3C3Z3 CANADA			LOWE, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,971	<b>Applicant(s)</b> DYCK, ISAAC	
	<b>Examiner</b> M. Scott Lowe	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on \_\_\_\_.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-18 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-18 is/are rejected.

7) ☐ Claim(s) \_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All    b) ☐ Some \*    c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/15/03</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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***Specification***

The disclosure is objected to because of the following informalities:

On page 7, line 17, item 32 is called a "muffler" while on line 19 item 32 is called an "arm".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the wheelchair" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the vehicle" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 states "generally rectangular in plan" in line 2. It is unclear what "in plan" means. For sake of examination it is assumed applicant meant "in shape" instead.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3652

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10,12-15,17,18 are rejected under 35 U.S.C. 102(b) as being anticipated by Salas (US 4,134,504).

Re claim 1, Salas teaches a wheelchair lift apparatus for attachment to an automobile 21 comprising:

a platform 61 on which the wheelchair 27 is arranged to be received;

a platform support 39, etc.;

a frame 31-34, etc.;

the frame having thereon mounting members (column 3, lines 35-36) for attachment to an underside of the automobile arranged to support the frame on the vehicle with the frame horizontal and generally transverse to a length of the vehicle;

the platform support being movable while supported on the frame 31-34, etc., in a generally horizontal plane (figures 4,5) from a retracted transport position underneath the automobile to an extended operating position projecting outwardly to one side of the automobile;

the platform 61 being mounted on the platform support for movement relative thereto, with the platform support in the extended operating position, upwardly and downwardly from a lowered mounting position of the platform in which the wheelchair can enter onto the platform to a raised entry position (figure 5) in which the wheelchair can move from the platform onto a floor of the automobile 21.

Re claim 2, Salas teaches the platform carried on parallel levers 103,104 each of which has one end pivotally attached to the platform and the other end pivotally attached to the platform support and which actuated by pulling one or more of the levers by one or more actuators 91 carried on the platform support.

Re claim 3, Salas teaches the platform support 39 arranged such that it can slide into a hollow interior of the frame 31-34, etc.

Re claim 4, Salas teaches the platform support and the frame generally rectangular in plan (shape) with front and rear edges parallel and at right angles to the length of the automobile 21.

Re claim 5, Salas teaches the platform 61 having front and rear edges (not numbered) arranged at the front and rear edges of the platform support.

Re claim 6, Salas teaches the frame 31-34, etc., comprising a hollow container within which the platform 61 and platform support 39 can be received.

Re claim 7, Salas teaches the frame defines a depth on the automobile 21 such that it is retained on the vehicle 21 underneath the vehicle during travel and wherein the platform and platform support are contained within the depth of the frame.

Re claim 8, Salas teaches movement of the platform 61 relative to the platform support 39 effected by one or more actuators 91 which are received so as to extend along the platform support 39 parallel to the direction of sliding movement of the platform support 39.

Re claims 9,10, Salas teaches movement of the platform 61 relative to the platform support 39 is effected by one or more elongate cylinder actuators 91 which are

received so as to extend along the platform support in a plane generally parallel to the plane of the platform.

Re claim 12, Salas teaches (figures 4-6) the frame includes a pair of parallel spaced rails extending at right angles to the length of the automobile and wherein the platform support 39 comprising a pair of parallel arms 39 each arranged along a respective one of the rails and slidable therealong.

Re claim 13, Salas teaches the platform 61 carried on two pairs of parallel levers 101, 103 with each pair arranged on a respective one of the arms 39.

Re claims 14, 15, Salas teaches the platform 61 raised and lowered by a pair of cylinder actuators 91 each arranged to extend along a respective one of the arms 39 and operable to pull on a respective one of the levers 101, 103.

Re claim 17, Salas teaches the platform 61 can be lowered to a height below that of the platform support 39 and raised to a height above the platform support 39.

Re claim 18, Salas teaches the platform 61 and platform supports 39 are carried wholly by the frame so as to be cantilevered in use from the side of the automobile 21.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salas (US 4,134,504) in view of Hall (US 4,058,228).

Re claims 11,16, Salas teaches the platform 61 is carried on parallel levers 101,103 each of which has one end pivotally attached to the platform and the other end pivotally attached to the platform support 39 and which actuated by pulling one or more of the levers 101,103 by one or more actuators 91 carried on the platform support 39. Salas does not teach the actuators 91 pulling a chain. Hall teaches an actuator 48 pulling a chain portion 82,90 that passes over an arc member 84,86,88 at a base of a respective one of levers 36,38 in order to create a mechanical advantage and to control platform speed of movement. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Salas by the general teaching of Hall to have the actuator pull a chain portion that passes over an arc member at a base of a respective one of levers in order to create a mechanical advantage and control platform speed of movement.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kempf (US 5,224,722) teaches a platform lift with parallel levers arcuate members and chains.

Kempf (US 5,375,962) teaches a platform lift with parallel levers, arcuate members and chains.

Wanko (US 3,599,810) teaches a platform lift stored under a vehicle.

Citrowski (US 6,179,546) teaches a platform lift stored under a vehicle.

Fretwell (US 5,253,973) teaches a platform lift stored under a vehicle.

Tauer (US 6,089,817) teaches a platform lift stored under a vehicle.

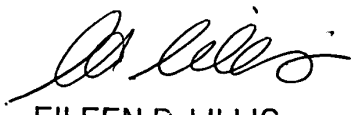
Kiser (US 6,860,701) teaches a platform lift with arcuate members and chains.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is 703-305-1940. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl

  
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